

August 4, 2005

Mr. Lawrence Bender  
Pearce & Durick  
P. O. Box 400  
Bismarck, ND 58502-0400

Re: PPM Energy, Inc.  
Rugby Wind Farm-Pierce County  
Siting Application  
Case No. PU-05-47

PPM Energy, Inc.  
230 kV Transmission Line  
Siting Application  
Case No. PU-05-305

Dear Mr. Bender:

On August 2, 2005 Commissioner Wefald and staff member Annette Bendish received correspondence from J T McIntire regarding the captioned matter. A copy of this correspondence is enclosed.

Under N.D.C.C. section 28-32-37, the Commission and parties are prohibited from having *ex parte* discussions on a pending case. A copy of this statute is enclosed.

In addition, if the Commission wishes to avail itself of any information not presented as evidence at a hearing, the Commission must comply with N.D.C.C. section 28-32-25, a copy of which is also enclosed. Under this statute, any evidence obtained outside the hearing process must be served on the parties to the proceeding, and an opportunity for response and cross examination must be provided as specified in the statute.

Normally, letters and comments from the public are placed into the public input file in the relevant case and are not considered part of the record evidence on which the case can be decided. The correspondence at issue here does not fall neatly into the category of "public input" and the Commission has not yet determined what, if any, consideration it will give the filing.

In order to comply with both the letter and the spirit of the law, the Commission is docketing the correspondence, as well as Commissioner Wefald's response, the writer's correspondence to Judge Hoberg, and Judge Hoberg's response. The Commission, by this mailing, and in compliance with N.D.C.C.

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section 28-32-25, is also providing the applicant with a copy of the correspondence received by the Commission. The applicant will be allowed to respond to the above docketed information, if it wishes, and if it requests that the hearing be reopened for additional testimony or examination or cross-examination of witnesses, such a request may be granted.

If you have any questions, concerns or comments, please do not hesitate to call or write.

Sincerely,

Illona A. Jeffcoat-Sacco  
Executive Secretary

IJS/sls

Enclosure

cc: Allen Hoberg  
J T McIntire